

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

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Amendment of Section 73.202(b)  
Table of Allotments  
(Greenwood and Abbeville, SC)

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MM Docket No. 97-156  
RM-9110

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REPLY COMMENTS

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Shelley Reid, licensee of WZLA-FM, Abbeville, South Carolina  
("Reid"), through undersigned counsel, respectfully submits the  
following Reply Comments in the captioned proceeding:

1. The Commission has proposed amending the FM Table of  
Allotments to delete one of only two FM radio transmission services  
in Greenwood, South Carolina (population 20,807). It has further  
proposed amending the Table by adding Channel 244C3 as a second  
local FM transmission service to Abbeville, South Carolina  
(population 5,778). Two parties, Reid and Petitioner Sutton Radio  
casting Corp. ("Sutton"), filed Comments on September 2, 1997.

2. In its Comments, Sutton argues that various matters militate  
in favor of adoption of its proposal. Sutton asserts that, in  
addition to increasing WCRS-FM's service area<sup>1</sup>: (i) the proposal

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<sup>1</sup> According to Sutton's engineering study, 6.3 percent  
(2,998 persons) of the population residing in the WCRS loss area  
would receive less than five aural reception services if Sutton's  
proposal were implemented. Sutton Comments, E-1, p. 2-3, Exhibit  
E-7. See Change of Community of License, 5 FCC Rcd. 7094, 7097  
(1990) (public has legitimate expectation of continued service).

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would enable WCRS-FM to provide Abbeville "the first full-time local radio news department;" (ii) Abbeville could benefit from WCRS-FM's proposed local radio news coverage of city and county governmental meetings, local elections, and law enforcement information; and (iii) the proposed reallocation also would enable WCRS-FM to provide Abbeville a listener line, a bulletin board service, and free airtime for civic groups.

3. Reid respectfully submits that none of Sutton's proposals, while perhaps facially well-intentioned, would be new or novel service by an FM broadcast station to the community of Abbeville (pop. 5, 778). As set forth in the attached affidavit (Aff.) of WZLA-FM licensee Shelley Reid, WZLA-FM already provides these proposed services (and much more) to Abbeville. WZLA-FM regularly presents local news and weather, as well as hourly state and national network news. (Aff., par. 2). WZLA-FM broadcasts Abbeville city and county law enforcement information. (Aff., par.3). WZLA-FM airs an abundance of information concerning local churches, charitable and non-profit organizations (Aff., par. 4). WZLA-FM regularly broadcasts a "community calendar" as well as Public Service Announcements. (Aff., pars. 5-6). WZLA-FM has a weekly public affairs program addressing the issues significant to the community of license. (Aff., par. 7). WZLA-FM has always donated free air time for local civic groups. (Aff., par. 8). WZLA-FM

already provides full election coverage, live and otherwise, of local, as well as state and national, elections. (Aff., par. 9). WZLA-FM has a toll-free events announcement line for local organizations. (Aff., par. 10). Finally, WZLA-FM broadcasts a substantial amount of programming directed to the minority community, as well as an anti-substance abuse program directed towards youth. (Aff., pars. 12-13).<sup>2</sup> Sutton has demonstrated no necessity to duplicate these services through a new FM transmission service licensed to the relatively small community of Abbeville (where the entire county in which it is located (Abbeville County-pop. 23,862) is just slightly larger in population than Greenwood (pop. 20,807)).

4. Furthermore, the proposed rearrangement of the Table of Allotments would, in Reid's view, contravene the explicit purposes of Section 307(b) of the Communications Act in light of the substantially disparate populations of the two communities involved and the current radio transmission service situation. See Reid Comments in Opposition, filed September 2, 1997, at pars. 4-5.

5. Indeed, in Douglas, Tifton and Unionville, Georgia, 12 FCC

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<sup>2</sup> Moreover, with regard to the public service and public affairs programming currently being provided by WCRS-FM to Greenwood, Reid submits that it would not be in the public interest to remove WCRS-FM from Greenwood, since to do so would leave a news/public affairs void on the FM side. Only WCRS-FM claims to provide a full-time news department among the two current Greenwood FM stations. (Aff., par. 14).

Rcd 1280, 1282 (1997), the Commission cited relative community of license populations as justifying the shift of an existing FM frequency away from a smaller community to a larger one since the realignment would equalize the number of transmission services between the two communities involved, eliminating the anomalous situation where the smaller community had more transmission service than the larger one. Douglas in turn relied upon Conway and Myrtle Beach, SC, MM Docket 91-75, released June 21, 1996, summarized, 61 F.R. 34377 (July 2, 1996), where it was recognized that "where a significantly larger community has fewer transmission services than a smaller community, a reallocation of transmission service may be warranted." Douglas, 12 FCC Rcd 1282 at n. 5. Reid respectfully submits that the principles of the above-cited precedents apply in the instant proceeding. That is, where removing a local transmission service from the significantly larger community (Greenwood) would result in a substantial population-to-transmission service ratio modification to the detriment of the larger community (from 2:1 to 1:1),<sup>3</sup> and would leave only one FM broadcast station in the larger community, a reallocation of transmission services is clearly not warranted.

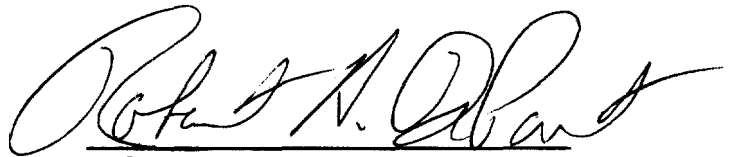
6. In conclusion, the proposed removal of local transmission service from Greenwood to Abbeville would violate the fair

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<sup>3</sup> See Reid's Comments in Opposition at n.1.

proportionality precepts underlying Section 307 (b) of the Act, as well as the corollary public interest policies underlying the Commission's community-oriented public affairs programming requirements. Thus, Reid respectfully submits that Sutton's proposal to amend the FM Table of Allotments must be rejected.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Robert A. DePont", written over a horizontal line.

Robert A. DePont  
140 South Street  
P.O. Box 386  
Annapolis, MD 21404  
410-263-0632

Counsel for Shelley Reid

**AFFIDAVIT OF SHELLEY REID**

I Shelley Reid hereby declare as follows:

1. If WCRS-FM is granted Abbeville, S.C. as it's new city of license it will, at best, duplicate most all of the services now being provided to Abbeville by Radio Station WZLA-FM.

2. Since it went on the air January 1st, 1990, WZLA-FM has provided Abbeville with ample local news and weather coverage as well as hourly news from The South Carolina News Network and hourly news from ABC. In addition, when local events warrant, we respond with appropriate news coverage with station personnel, giving newscast as necessary to cover the event of interest. In the event of weather emergencies, we have a long established policy of abandoning all programming and providing the public with special weather information continuously until the danger has passed.

3. We have worked closely with the Abbeville County Sheriff's Department and the Abbeville City Police Department providing the public with a wide range of Law Enforcement information.

4. We have a long history of service to churches, charitable groups and non-profit organizations by providing listeners with an abundance of information from these institutions.

5. We broadcast twice daily, Monday through Friday, our "Community Calendar" a public service information program, along with at least three public service related broadcasts every hour of the day.

6. WZLA has, from the beginning, informed the public of social, cultural and political events extensively.

7. WZLA-FM also has a history of addressing the concerns and needs of our area with a weekly 30 minute program, "High Noon" interviewing those persons who are addressing said concerns, and providing the public with this information.

8. We have always provided free air time to civic groups and non-profit organizations, promoting community interest and activities.

9. We provide full coverage, live and otherwise of every Abbeville City and County election, as well as state and national elections, giving detailed political campaign coverage with hourly news broadcasts and updates.

10. WZLA-FM provides listeners with a toll free \*93 phone number and we encourage the public to call in with announcements about churches, charitable groups and civic organizations.

11. We also serve the community with information and

programs that WCRS-FM did not mention as, types of which they also propose to provide.

12. We have , since 1990, provided for the needs of the Black Community with nine hours of programming weekly, informing the public of special events, church programs, music programs and community events of cultural and social interest.

13. For six years we have broadcast D.A.R.E. On The Air, a weekly program hosted by local Police Officers which has provided our children with information about the dangers of drug and alcohol abuse.

14. Of the two FM Radio Services in Greenwood South Carolina, only WCRS-FM claims to provide the Greenwood Community with "extensive" local news coverage, with a "full-time" news department. WMTY-FM, the other FM station, does not have a "full-time" news department.

Signature: Shelly Kil Title: GENERAL MANAGER

State of: South Carolina County of: Abbeville

Subscribed and sworn to before me this 11<sup>th</sup> day of 9, 1997

Notary Signature: Joyce Thompson

My Commission Expires: 7/17/02



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 17th day of September, 1997, a copy of the foregoing Reply Comments were sent by first-class U.S. mail, postage prepaid, to Robert Lewis Thompson, Esquire, Taylor, Thiemann & Aitken, L.C., 908 King Street, Suite 300, Alexandria, VA 22314, Counsel for Petitioner.

A handwritten signature in black ink, appearing to read "Robert A. DePont", written over a horizontal line.

Robert A. DePont